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May 3, 2012

Senate Natural Resources, Environment and Great Lakes Committee
Re: Beach Grooming Bill, SB 1052

Dear Chairman Casperson and Members of the Committee:

The West Michigan Environmental Council (WMEAC) **opposes** SB 1052 in its current form. We are concerned with SB 1052 as written because of general and broad language that could lead to ecological damage and hinder public beach access.

Major Concerns

1. Government entities are prohibited from regulating areas "commonly referred to as a beach," though beaches are not defined.

The lack of a broadly negotiated and specific definition of beach will make implementation extremely confusing and difficult. Beach grooming has been an issue in the past because people have different ideas of what constitutes a beach. For example, as water levels fluctuate, many wetlands go dry for part of the year and may be considered by some to be beach. Plowing and mowing dry wetlands can cause long term ecological damage. Without vegetation, the wetland no longer provide erosion protection, and quality habitat for the wildlife and fish population.

2. The health of coastal wetlands, waterfowl and fish populations is put at risk by allowing a "riparian owner to mow, groom, remove vegetation, or otherwise maintain land above the water's edge"

Natural buffers enhance water quality: Wetlands along the coast of the Great Lakes trap sediment, control coastal erosion and provide habitat for wildlife and fish. Wetland vegetation, especially the bulrushes, protects the coastline from erosion by absorbing the energy from waves and trap sediment. Coastal wetlands provide nesting sites and food for waterfowl. Fish, such as yellow perch, walleye northern pike, breed in wetlands and marshes provide young fish with food and protection.

3. **Public access to the Great Lakes shoreline may be restricted**, as "otherwise maintain land" is not defined and may be interpreted to allow private landowners to setup barriers.

"Otherwise maintain land above the waters edge" could be interpreted as allowing for maintenance to the water's edge. Private landowners could erect all sorts of barriers which might impede the public's shoreline access. This would come into conflict with 2005 Michigan Supreme Court case Glass v. Goeckel, which affirmed the public's right to walk along the shores of the Great Lakes.

Sincerely,

A handwritten signature in black ink, appearing to read "N. Occhipinti", is written over a horizontal line.

Nicholas Occhipinti
WMEAC Policy and Community Activism Director

